



POSITION ON PROPOSED LEGISLATION

BILL: HB 700 - Education – Disruption of School Activities – Repeal of Prohibition

POSITION: Favorable

DATE: February 8, 2021

As a public defender primarily representing children charged in juvenile and adult court in Southern Maryland, I too often see arrests for normal adolescent behavior. The criminalization of childhood is increasingly apparent when looking at school-based arrests under Maryland Education Code §26-101. I have seen youth charged under §26-101 for ordinary childhood behavior such as a mutual fight between two students, middle school kids throwing food at each other, and playground disagreements that ended not with fists but with words.

§26-101 is disparately applied to Black students in Southern Maryland, thus funneling them directly into the school to prison pipeline. In Charles County, Black youth bear the brunt of those arrests: 88% of children arrested for disruption at school were Black,¹ even though Black children are only 55% of enrolled students in Charles County schools.² This disparity isn't unique to Charles County: in Saint Mary's County, 71% of the children arrested for disruption were Black even though they are only 18% of enrolled students.³

§26-101 is also used to criminalize the behavior of children with disabilities. I have seen students charged with Disruption of School Operations for behavior anticipated by their special education plans. In many of those situations, although the school disciplinary process followed the process for children with disabilities and responded in accordance with the child's needs, the school police officer still charged the child, forcing them to appear for an intake hearing at the Department of Juvenile Services or in juvenile court for behavior that was deemed to be a manifestation of their disability.

I have seen too many children dragged through the juvenile court process for behavior that is age-appropriate and has already been addressed through the school disciplinary process. I therefore urge the committee to issue a favorable report on House Bill 700.

Michal Gross, Assistant Public Defender

¹ Maryland State Department of Education, *Maryland Public Schools Arrest Data: School Year 2018-19*, available at <http://marylandpublicschools.org/stateboard/Documents/2020/0623/MarylandPublicSchoolsArrestData20182019.pdf>

² Maryland State Department of Education, *Maryland Public School Enrollment by Race/Ethnicity and Gender and Number of Schools September 30, 2019*, available at <http://www.marylandpublicschools.org/about/Documents/DCAA/SSP/20192020Student/2020EnrollRelease.pdf>

³ *Id.*

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